ing of the Employing Stonecutters' Association?" asked Mr. Iselin.

ciation?" asked Mr. Iselin.

"Yes," answered the witness. "I spoke of it, and the president said I ought to have arbitrated the debt. I had offered to arbitrate and said so. Then I said I would not withdraw the bill from the walking delegates, for fear they would not respond if I ever again had a debt I wanted them to collect. The members of the association

ed approval of my attitude in this

Jerome A. Jackson, a member of the

tonecutters' association, was questioned losely as to the clearing committee, which

decided who was to have a contract after averaging the bids. "Was not the effect of that," asked the

Magistrate, "to stifle competition, so far as the owner or architect was concerned?"

Edward F. Giberson, manager of the Bradley concern, told again how his shop had been closed solely because he would

not join the Employing Stonecutters' Association. He testified that he would no

join, because he had been advised by his

counsel that the organization was illegal.

Mr. Giberson said he was now running a non-union shop and had all the nen he wanted—about twenty-five or thirty. If his shop were a union shop he would have to

employ forty-eight stonecutters, he said. Cross-examined, Mr. Giberson denied that he had offered Donald Call \$1.50 a day for

three years for a certain privilege. Cal then testified that Mr. Giberson had made this offer if he would permit the violation

this offer if he would permit the violation of a union rule by letting a certain man work in a certain place, the man to get \$5 a day. Call said he had told Giberson that if he, Call, got the \$5 a day and the other man the \$1.50 he might consider it. Call also testified that Giberson had offered him a suit of clothes if he would give him good planing men instead of the poor ones he then had. Call said he gave Giberson the good men, but refused the clothes.

TO PROTEST AGAINST WRIGHT.

Miners Decide to Ask Judge Gray Not to

Make Him Umpire Any More.

TAMAGUA, Pa. Jan. 13.-At to-day's ses

sion of the annual convention of the Seventh

D. Wright, the umpire appointed to render

decisions on questions on which the con-

TO FIGHT UNION LABOR.

Pennsylvania Builders Meet to Form

State Organization.

SCRANTON, Pa., Jan. 13 .- For the purpose

of fighting the labor unions the Pennsyl-

vania State Builders' Exchanges are now

holding their convention in this city. There

are nearly a hundred delegates in attend-

ance. The day was taken up largely with a discussion of amendments to the con-

stitution and by-laws. Provisions are to

town the affected men cannot go to another

Car and Foundry Co. Cuts Wages.

St. Louis, Mo., Jan. 13 .- A 10 per cent

the employees of the American Car and

Foundry Company. About 5,000 men are

END OF AQUEDUCT HEARINGS.

They Have Been Costly and Probably

Fruitless-Contractors to Be Upheld.

tion of the Merchants' Association charges

that the work of Contractors McDonald

and Onderdonk on the Jerome Park reser-

voir has been unduly delayed and faultily

done ended yesterday so far as the taking

of testimony is concerned. The hearings

have been costly and the inquiry will

probably amount to nothing.

There is little doubt that the commission

will decide in favor of the contractors. If the commission decides to pay the \$200,000

the contractors have asked for out of the

reserve fund the association can only seek an injunction from the courts.

Testimony heard yesterday brought out nothing new. Both sides will now submit briefs.

BIG AWARD BY MONMOUTH JURY.

Water Company Didn't Furnish Enough

Water to Put Out Lumber Company's Fire.

FRENHOLD, N. J., Jan. 13.-A verdict for

here by a jury to-day in favor of the Buchanan and Smock Lumber Company of

Asbury Park against the East Jersey Water Company of Camden, N. J. The verdict is for \$31,000 for the failure of the water

company to furnish water from its hydrants at a fire in the yards of the lumber company in October, 1902. The total loss claimed by the lumber company was \$42,000. The water company will appeal. It is said that

should the company be compelled eventu-

ally to pay the judgment it may be forced

The Aqueduct Commission's investiga-

place and secure work.

scattered about the country.

"We thought it about time," replied the witness, "that competition of that kind was eliminated."

#### SCHWAB AGREES TO RECEIVER

BUT SHIPBUILDING SUITORS ARE AFTER HIM YET.

They Ask Court to Make Him Party Defendant and Charge Fraud and Conspiracy to Wreck the Company-Fight On in New Jersey Over New Questions.

When the bondholders' suit against the United States Shipbuilding Company came before Federal Judge Kirkpatrick in Newark yesterday Lawyer William D. Guthrie sprang a surprise by admitting that the company was hopelessly insolvent and by asking that the receivership be made permanent in order to protect it.

Mr. Guthrie, who has represented the company in its fight against the receivership and also has been Mr. Schwab's counsel contended that by making this admission he had removed the necessity for taking further testimony, the relief prayed for by the complainants having been conceded. Lawyer Samuel Untermyer, for the com-

plainants, to whom the move was a great surprise, at once disputed this contention and, in his argument, showed that the purpose of his clients was not only to secure the appointment of a permanent receiver, but also to prove a charge of fraud and conspiracy to wreck the company which would entitle them to judgment against Charles M. Schwab personally.

Mr. Untermyer asked the Court to make Mr. Schwab a defendant in the suit. This, he asserted, would enable the complainants to continue Mr. Schwab's examination and that of his friends to ascertain his exact connection with the affairs of the company. Mr. Schwab was on the stand at the last

hearing of the case before Examiner Oliphant in this city. The sudden halt that was called in Mr. Schwab's examination was due to an application by Mr. Guthrie to have the taking of testimony transferred directly to Judge Kirkpatrick's court on account of "disorderly scenes" at the hearing before the examiner. It was this motion that brought the lawyers concerned in the case, including Max Pam, before Judge Kirkpatrick yesterday morning. Five motions were made by one side of

the other before the Judge when the case was taken up. Argument was heard on three of these yesterday the others being deferred until next Monday at Trenton. Mr. Untermyer moved that the Court

direct Mr. Schwab to answer questions bout the United States Steel Corporation. and also that the three different suits against the company, those of the Mercantile Trust Company, the New York Security and Trust Company and the bondholders, be foined and tried as one case.

Mr. Guthrie admitted that the company

was insolvent. Since making his original answer, he said, the company hadn't paid ts debts and had defaulted on its mortgage bonds. This concession, he said, would dispose of all other motions. When Mr. Untermyer asked if he thought it would put a stop to the taking of testimony, Mr. outhrie said he did. In some of the moving papers he said Mr. Schwab and the com-pany had been criticised for continuing the

litigation.
"Now," said he, "we are prepared to come before the Court and disclose the fact that the company is insolvent and say that for the protection of it from further waste a receiver should be made permanent to liquidate its affairs. If we are in error on the ground of this complaint, if it be suggested that it is an action to establish fraud against Mr. Schwab, who is not a party defendant, we could take testimony till doomsday

Judge Kirkpatrick remarked that the charge of fraud had been made only as the ground for the appointment of a receiver,

I held that the directors abdicated their authority by refusing to meet, because, I believe it was said, Mr. Schwab told them

Mr. Untermyer admitted that in one way this concession gave all the relief asked for. "But," said he, "this matter has a broader scope. The complaint alleges that a conspiracy existed to wreck the The Court of Appeals held that we had a right to show this

"The bill not only charges the company with being insolvent, but charges that that insolvency was due to the misconduct of rectors and breach of trust. The whole e of this company covered barely seven months. It was organized pursuant to a fraudulent conspiracyof Mr. Schwab and its officers, by which the Bethlehem Steel company was to be turned in at an excessive price and for the purpose of wrecking the company, the interest was to be deliberately defaulted on the bonds given to Mr. Schwab—all entitling us to personal judgment against Mr. Schwab."

Mr. Untermeyer went on to say that the complainants not only wanted a receiver, but also wanted to "bring the entire estate in the jurisdiction of this court to marshal its assets, determine its liabilities and the validity of its mortgages and have it administered as one estate." They did not want, said, to have suits "all over the face of

He admitted that there was nothing to do when the defendant confessed judgement, but to take an interlocutory decree for a premanent receiver, and contended that this did not interfere with the motion to make Mr. Schwab a defendant. He asked the court not to enter the decree until fur the court not to enter the decree until fur-ther procedure was had. Mr. Untermyer quoted at length from Federal decisions as precedent for the Court originally inter-vening to draw unto itself all the issues.

Referring to the testimony taken, he said hat Mr. Schwab had sworn he was deending the suit at his own expense and that he was employing Mr. Guthrie, who was also defending the company. "Do you challenge my right to represent the company?" asked Mr. Guthrie. "I was appointed by resolution of the direct-

"It appears," replied Mr. Untermyer, hat Mr. Schwab controls the directors who passed that resolution. It further appears that Mr. Schwab swears that he is paying the expenses. He is the real defendant. We ask that the action be continued with him as defendant and that further testimony be taken. If we do not state a cause for action he can demur

Mr. Guthrie said that the consolidation of all the suits would be conflicting and would lead to almost "interminable litigation."

"Assuming," said he, "that there are two causes of action are involved. "Assuming," said he, "that there are two causes of action, one insolvency and the other charging Mr. Schwab with fraud and other high crimes and misdepneanors, and other high crimes and misdepneanors, and other high crimes and misdepneanors. and if the motion is to make him a defend-Ant, we consent, but this would oust juris-diction. We are not here to lay traps, but to get at the truth of I was going to say this miserable affair. If Mr. Schwab has one wrong, he must take the consequences,

but we say, however, that he should be judged at the proper time."

Judge Kirkpatrick asked Mr. Guthrie if Mr. Schwab, who is a resident of Pennvivania, would appear in New Jersey vol-

"He will not," said Mr. Guthrie. "He ill meet these questions in due course. Le will appear only to demur to the juris-

on of this Court, should the Court hold "I understand then," continued Judge Rirkpatrick, "that if the Court decides against him and appeal is taken and the decision is upheld, Mr. Guthrie will not bind himself.

decision is upheld, Mr. Guthrie will not only himself that Mr. Schwab will be here?"

Mr. Guthrie said he would not so bind himself. It was then agreed that the com-Schwab a defendant, this to be at their own risk of having jurisdiction ousted; that the Shipbuilding Company should file its amended answer alleging insolvency and that the argument should be continued on the other motions at Trenton on Monday. Should Judge Kirkpatrick then decide favorably on Mr. Untermyer's motion to continue the hearing, argument will be heard on the motion to compel Mr. Schwab to answer questions about the Steel Corporation and to have the hearing go before the Judge in New Jersey. M Guthrie said that on the latter point the argument would be "too acrimonious and too painful" to be heard yesterday.

made yesterday would call off the hearing indefinitely. Mr. Schwab may, in the meantime go to Europe, where he said he was going when he got through testifying. Pending the decision on Monday it was agreed yesterday that no hearing in any suit should be held, including Mr. Schwab's foreclosure suit which Mr. Untermyer wants to consolidate with the others and take to New Jersey.

The only papers filed yesterday were affidavits. One was by Charles C. Deming of Alexander & Green, describing the alleged "disorder" at the hearing, caused partly by the presence of twenty reporters and sketch artists, and stating that "bursts of laughter frequently discomfited counsel

of laughter frequently discomfited counse

nd witnesses."

The other affidavit was by Mr. Untermyer, denying Mr. Deming's allegations and saying that the only disorder was caused by Mr. Guthrie's conduct "in insinuating, without cause and apparently for newspaper effect, that his adversaries had supplied the newspapers with certain matter, when in truth and in fact his client had and has, I am informed and believe, in his regular employ a press agent, who has, from the beginning, been inspiring articles

unfavorable to the complainants to preju-dice their cause in the public judgment." One result of making ex-Senator Smith's receivership permanent will undoubtedly be an action by the receiver to levy an assessment on the stock of the company, of which Mr. Schwab owns \$18,000,000 will be followed, it was said yesterday by an attempt to place the Bethlehem Stee Company under a receiver, too. Receiver Smith has already asked for permission to sue Mr. Schwab for the stock he got.

THAT \$750,000 LOAN.

Harris, Gates & Co. Gives Its Version of One of Dresser's Transactions.

The answer of Harris, Gates & Co. to the suit brought by the Commonwealth Trust Company, formerly the Trust Company of the Republic, to recover \$750,000 alleged to be due it from money deposited with the firm by D. Le Roy Dresser and used later as part of the working capital of the United States Shipbuilding Company, was given out yesterday by Hornblower, Byrne, Miller & Potter, counsel for the firm. In their answer is furnished for the first time the firm's side of the transaction, which came to light first through the testimony of Lewis Nixon at the shipyard hear-This testimony was to the effect that, although the company stated to the Stock Exchange that it had \$4,000,000 working capital last fall, it did not have this until Mr. Dresser borrowed money on his and Nixon's notes. One of the loans was that of \$750,000, which was obtained from Harris,

Mr. Dresser took \$750,000 from the trust company and deposited it with Harris, Gates & Co., according to the complaint, and when the trust company subsequently demanded it the firm informed the company that it had Mr. Dresser's note for that amount. Of the existence of this note up to that time the trust company said it had no knowledge.

In their answer, Harris, Gates & Co. hold that the whole transaction was authorized by the trust company, which was responsible for it. The answer says that on Sept. 10 the firm received a letter signed "Trust Company of the Republic, Daniel Trust Company of the Republic Trust Co LeRoy Dresser, president," authorizing the firm to loan \$750,000 to Dresser and Nixon on 20,000 shares of preferred shipuilding stock and 10,000 common. Wi on the Bank of the Manhattan Company for \$750,000 and a note signed by Dresser and Nixon. All of these documents are given Nixon. All of these on full in the answer.

in full in the answer.

The firm thereupon sent its check for \$750,000 to the trust company, making it payable to Dresser and Nixon. This check, it is asserted, was indorsed by a teller of the trust company for deposit. The indorsement read: "For credit Lewis Nixon and Daniel LeRoy Dresser. Indorsement guaranteed, Trust Company of the Republic."

On Sept. 16, the answer says, the trust company drew a check for \$750,000, pay able to the firm, which the firm deposited returning the note and stock held as col-lateral. This was accepted by the trust company, the answer holds, as a complete discharge and satisfaction of all obliga-

It is further alleged that the Sheldon syndicate helped the trust company out by lending it \$4,125,000, in return for the trust company's stock and bonds, and that it was agreed that this money would be applied to all notes made by Nixon and Dresser which would also dispose of the claim made, Harris, Gates & Co. being members of this

syndicate.

The answer alleges that the reason for this transaction which, it holds, was made by the trust company, was that the trust company desired and planned to furnish to or apply to the use of the Shipbuilding Company the sum of \$750,000, but desired, for the first the first the first terms. for reasons unknown to the firm, that such loan or advance should be represented by bills receivable instead of a direct loan.

CAR OVERHUNG THE STREET. Mistake in Signals Placed Elevated Passengers in Peril.

Because of a mistake in signals a train of four cars and an engine on the Broadway elevated railroad in Brooklyn crashed broadside into a similar train of the Lexington avenue branch at Broadway and Gates avenue on Tuesday night. But for a stout iron guard rail the train that was run into, with its living freight, would have dropped to the street.

The Lexington avenue train had the right of way and was going to the Bridge. The other train was on a siding between the two tracks. It had orders to go to the Broadway ferry. The engineer received the signal to go ahead, but he failed to hear the approach of the other train.

The locomotive of the Broadway train crossed the switch and was just passing to the down track when the Lexington avenue train dashed across. The engine of the Broadway train struck the second car with that the entire train was derailed and the car into which the crashed toppled over on the iron guard and hung over the street. Splinters of wood fell to the street. A large piece struck Isaac Walsh of 118 Eldert street, causing a scalp wound.

As the derailed cars touched the third rail

a continuous sputtering of blue flame shot

out.

Word of the accident was immediately sent to the Ralph avenue police station and the reserves were turned out. Meanwhile employees of the road got stout ropes and made fast the overhanging car. The road was blockaded for nearly two hours.

LOWELL FIRES INCENDIARY? Three Large Blazes in a Few Days and None of Them Explained.

LOWELL, Mass., Jan. 13.—The police and the fire marshal to-day began an investigation of the fire which last night destroyed the large department store of O'Donnell & Gilbridge and adjoining property here. There is an impression that the fire was the work of an incendiary. On Monday morning St. Patrick's Church

was burned. On Saturday morning a fire started in Odd Fellows' Hall and some time ago a big fire broke out in Davis & Sargent's building. None of these fires has been explained. Last night's fire was the third great fire in a week and the largest which has ever occurred in the business part of the city. Four large blocks were destroyed, involving a loss of fully \$300,000.

Steamship Stranded Twice Near Key West KEY WEST, Fla., Jan. 13.-The British steamship Sorle, Capt. Eggart, loaded with phosphate, from Port Tampa and bound for Europe by way of Newport News, ran ashore on a shoal near Rebecca Light, about forty before the Judge in New Jersey. Mr. Guthrie said that on the latter point the argument would be "too acrimonious and oo painful" to be heard yesterday.

It was the general opinion that the move

THE WALKING DELEGATE DUN

MORE EVIDENCE AS TO HIS GREAT USEFULNESS IN TRADE.

Operations in the Stone Cutting Busines Frankly Described by Collector Nelson of the Union, Who Used the Strike Often-The Hearing Ended

It will be ten days or two weeks before Magistrate Ommen decides whether criminal prosecutions shall arise out of the agreemen between the Employing Stone Cutters Association and the Journeymen Stone Cutters' Union. The preliminary hearing practically closed yesterday.

One more perfunctory session will be held on Friday afternoon, when Mr. Hutchinson, the treasurer of the Employing Stone Cutters' Association will produce the books to show just how much in 10 per cent. assessments on contracts were paid in under the rules by the thirty members who made up the association. Mr. Hutchinson swore yesterday that he only had \$200 of the as sociation funds in his possession now, and that the most he had ever had was \$4,500. As representing 10 per cent. on the total contracts of thirty stone dealers during a period of nine months, Magistrate Ommen and Mr. Iselin both thought this amount so small that the Court directed that Mr Hutchinson produce the books and verify his figures.

Still more testimony as to the collection of old debts by walking delegates under threat of strikes against debtors came out yesterday. It developed from the answers of several witnesses that this method o debt collecting has been in vogue in several branches of trade for some time. It also appeared that the percentages paid to walking delegates for such collections were exceedingly liberal, one employing stone cutter testifying that he paid \$510 to three walking delegates for the collection of a district of the United Mine Workers Carroll bill of \$2,010, or nearly 25 per cent. of the total amount of the claim.

Members of the assocation made poor headway in endeavoring to establish its entire disassociation with debt collecting by walking delegates. Mr. Hutchinson, treasurer of the association, testified that he had never heard of such collections, but there were a number of other things quite common notoriety in connection with the association about which he displayed also a surprising degree of ignorance. For instance, he testified that he did not know of any agreement between the association and the stone cutters' union; that he never

heard of such an agreement.

Mr. Iselin showed him the printed form of the agreement between the Stone Cutters' Association and the Journey men Stone Cutters' Union. "You are an employing stonecutter, are you not?" asked Mr. Iselin.
"I am," replied the witness.
"You employ members of the Journey-

"I do. "Please look at that document and tell

us what it purports to be."

Mr. Hutchinson pored for several minutes which Mr. Iselin handed him.

"It's plain enough, isn't it?" at last said Mr. Iselin. "It shows on its face that it. comprises the rules and regulations unde an agreement between the Employing Stonecutters' Association and the Journey-men Stonecutters' Union, does it not?

Have you ever seen that agreement before?"
"Yes, I have seen it."
"You have followed that agreement in your relations with your employees,

have you not?"
"I have." "You have conscientiously observed that agreement in employing journeymen stone-cutters, have you not?"

"I have."
"And yet," persisted the Assistant District Attorney, with a trace of anger in his voice, "you have testified that you never saw such an agreement and did not Mr. Hutchinson looked about him in a bewildered sort of way. "Well," he said at last, "I saw that form, but I did not know it was an agreement."

He could not remember anything abou he transactions of the employers' association; knew nothing about walking delegates collecting debts, and knew nothing about the resolutions of thanks to walking delegates for collecting debts passed by association. As to who had or who not paid money into the treasury of which he had charge he knew nothing at all. Alexander Nelson, the walking delegate

Alexander Nelson, the walking delegate of the stonecutters' union, who called the strike on Contractor Hanlein because Hanlein refused to join the Employing Stonecutters' Association, proved to be as frank and brisk a witness as the other walking delegate, Donald Call. Mr. Nelson's diocese is Manhattan. Mr. Call's is Brooklyn. Nelson told freely of several firms whom he had coerced into joining the association before and after his descent on Hanlein. Hanlein was the only one he had gone to who had protested against had gone to who had protested against being thus clubbed into the association, and Hanlein had quickly had a change of heart when told that the alternative was an immediate strike. Asked about what he had said to Hanlein, Mr. Nelson replied: "Now to cut that matter short. I may say

that the report in this morning's SUN of what transpired with Hanlein is absolutely correct and I submit it as my version of the transaction. It tells exactly the facts." the transaction. It tells exactly the facts."

Q. (By Mr. Iselin). There is an agreement between the Stonecutters' Union and the Employing Stonecutters' Association is there not?" A. There is, but I know nothing about it. I opposed its acceptance by the union and never read it. My personal relations with the Employing Stonecutters' Association are rather cool. I came very little in contact with them. I know nothing about collecting money by walking delegates except what I have heard. I believe it is a common practice in all branches of trade. The only way to collect such debts is by calling a strike until they are paid.

Q. You knew about the strike being called in the Bradley shop, in Brooklyn, of which Mr. Giberson is manager, did you not? A. I did.

did.

Q. Was there any trouble about Giberson disobeying the union rules? A. There was not. It has always been my understanding that the Giberson shop was as good a shop as any we had. There was no complaint there about hours or wages. My general understanding is that the sole reason Giberson's shop was struck was because Mr. Giberson refused to join the Employing Stoneoutters' Association.

ssociation Asked about forcing employers into the association, the witness testifled that the union feared that some of the employers were going to join the Building Employers' Association, and that the union decided that it would be better to have them all in the stopeculter' association. In reply in the stonecutters' association. In reply o Magistrate Ommen, he said it was th general custom of walking delegates in all lines of trade to collect debts of em-"Is there any committee to investigate justice of the debt?" asked the Magis-

rate.
"My understanding is that there is gendelegate," replied the witness.

"You don't wait, I suppose," continued the Magistrate, "for a judgment to be entered against the debtor?"

entered against the debtor?"
"I believe in most of the cases that I have heard of," replied the witness, "judgments had been entered."
William F. Cosgrove, an employing stonecutter, testified that he had a claim for \$2,010 against Jacob A. Zimmerman of the Bristol Hotel for work done. He sent the bill to Zimmerman was the bill to Zimmerman.

sent the bill to Zimmerman, who offered to pay about a quarter of the amount demanded. A journeyman stonecutter asked Cosgrove why he did not turn the bill over to the union for collecton and Cosgrove did so. He had dealings with hree walking delegates in the matter -Carvel, Ainslow and McGovern. They brought him offers of compromise from Zimmerman, but he refused them. Then the walking delegates brought him Zim-merman's check for the full amount of the debt, and he gave them his personal check for \$510 for their services. The check was drawn payable to bearer.

"It was a voluntary gift on my part," explained Cosgrove. "I thought it was only right for what they had done."

"Did you ever speak of this at a meet-

CARRIED CHILDREN FROM FIRE. Policeman Saves Woman, Too, Who Fought Him. Thinking He Was a Kidnapper.

A fire broke out yesterday morning in the drygoods store of Barney Barko, 305 Columbia street, Brooklyn, while the proprietor, his wife and two young children were asleep on the second floor.

Policeman Patrick Shea of the Hamilton avenue station aroused the family and carried the children to the street, followed by the parents. Then, hurrying upstairs to the third floor, he forced open the door of the room in which Mrs. Annie Olsen was still asleep, and aroused her. The woman became hysterical and, imagining she was being kidnapped, fought her rescuer as he was dragging her down the stairway. Both were almost exhausted when they reached the sidewalk, the woman requiring prompt medical attention.

The fire caused a loss of \$2,500.

NEWSPAPERS WANTED. Also Books and Magazines and Money, All

for the Hospitals. The Hospital Book and Newspaper So ciety, organized twenty-nine years ago to collect reading matter from the public and distribute it to the inmates of hospitals and asylums, makes an urgent appeal in a report just issued for more books, magazines and newspapers. The society also needs funds.

Newspapers are collected daily from boxes Newspapers are conected daily from boxes placed at all the principal ferries. Reading matter may also be sent to the office, 105 East Twenty-second street, room 417. Money should be sent to the treasurer, Mrs. J. Woodward Haven, 28 East Thirty-

While His Head Hurt His Money Went. A young man who said that his head

hurt him and that he didn't remember anything else was treated at Roosevelt Hospital last night. Pretty soon he improved and went away saying that his head didn't hurt him any more. He drives Dr. J. Grant Lyman's automobile, and hurt himself in an upset last Monday. When his head began to hurt on Tuesday night he had \$200 in his pockets, he says. When he came to he found \$5. His name is A. L. Dietz.

Coughed His Shoulder Out of Joint Thomas Galvin, 73 years old, dislocated his left shoulder while coughing yesterday afternoon at his home, 232 East Twenty-ninth street. Dr. Whitbeck took Galvin to Bellevue Hospital. The physicians there say that on account of Galvin's age the IF you're hungry, almost anything to eat tastes

If you're not-nothing does. GOLD LION Cocktails make you hungry. GOLD LION Cocktails ready to ice) never vary. GOLD LION Cocktails—Seven kinds—Manhattan, Vermouth, Whiskey, Martini, Tom Gin, Dry Gin—and the American

Of good wine merchants The Cook & Bernheimer Co.

HANNA CHOSEN FORMALLY. Says the Recent Ohio Election Was a Death

Blow to Modern Socialism.

COLUMBUS, Ohio, Jan. 13 .- In joint session at 12 o'clock to-day Marcus A. Hanna was chosen formally as his own successor in the Senate of the United States by the Ohio Legislature. Mr. Hanna was escorted to the House of Representatives together with Gov. Herrick. The Senator spoke with great deliberation and much feeling. He asserted that he was not vain enough to accept the result of the late election as a personal tribute to himself, but declared that it was a tribute to the intelligence of the people, who had been confronted with a proposition that the principles on which the Republic was found were not fundamental, but primitive and radically wrong. The election, he insisted, was a death blow to modern Socialism, which had reared its head in the policy of the Democratic party, and its decisive rebuke as shown by the count of the ballots was a the right notice to all political parties to stand for principles of government which would always contribute to their success at the polls.

Senator Hanna became deeply affected in his allusions to the grief that had come decisions on questions on which the con-ciliation board is deadlocked, was con-demned for ruling against the miners in the Saturday half holiday contention. It was decided that the miners should make a personal appeal to Judge Gray not to ap-point Mr. Wright to serve as umpire in to the people of the State during the last week, when one former Governor was suddenly stricken, while another lay at that very hour at the point of death. In closing the Senator declared that he went to Washington, not as a partisan, but as the representative of all the people and of all the business inetrests of the people.

> SUPT. SKINNER'S SUCCESSOR. Principal Fosdick of the Buffalo High

School Is Out of the Race. ALBANY, Jan. 13.-It is not known whether Senator Platt and Gov. Odell have deeided upon a successor to State Superintendent of Public Instruction Charles R. Skinner or not. All that is certain is that they have decided that Mr. Skinner is to go. The term of this office is three years, and Mr. Skinner has held it for three terms. Following the declination of former Senator Cuthbert W. Pound of Ithaca to accept an election to the office, Principal Fosdick of the Marsden Park High School in Buf-falo has announced his withdrawal from reduction has been made in the wages of the race.

Bryan in Indianapolis.

affected. The company's headquarters are in St. Louis, but there are fifteen plants INDIANAPOLIS, Jan. 13 .- William Jennings Bryan reached here this afternoon, and tonight spoke at Tomlinson Hall under the auspices of the Jefferson League. He was greeted with almost as much enthusiasm is when he came here in 1900 to deliver

his speech accepting the Democratic nomination for the presidency.

Mr. Bryan refused to discuss politics. He said he had been away from politics and politicians until his return home from Europe, and that he had nothing to say on party

Virginia to Instruct for Boosevelt. NORFOLK, Va., Jan. 13.—George E. Bowden, the Republican national committeeman from Virginia, announced here today that the coming State Republican convention will not only indorse Roosevelt's course as President, but will instruct Vir-ginia's delegates to the national convention to vote for Roosevelt's nomination,

Bryan to Be Delegate-at-Large. OMAHA, Neb., Jan. 13.-The World-Herald says that W. J. Bryan will be a delegate at arge from Nebraska in the next Democratic

RAIN HELPS SNOW SHOVELLERS. Worth a Barrel of Money to the City, Says the largest amount ever awarded in an ordinary civil suit in any of the law courts Major Woodbury. in this section of the State was rendered

The rain was better than a new broom for the Street Cleaning Department yesterday. Commissioner John McGaw Woodbury had been praying for rain for a week. "There is no doubt about it," said the Major yesterday, with a smile, "that little Arizona Indian rain god of mine brought he rain. I took him out of the cabinet on Tuesday night and told him that there would have to be something doing pretty quick. He relented and the rain car backs into the city treasury.

just raining thousands of green-Snow Inspector Bouton said that some f the shovellers had refused to work during the day because of the rain; but Mr. Bradley, who has the contract for cleaning the scheduled streets, promised to have more men at work last night. Mr. Bouton said that the scheduled streets would probably be cleaned by to-night. "Then," he said. "our men and the emergency men will start in to clean the side streets."

No Water to Fight Fire. Five companies of the Newtown Fire De-

partment yesterday afternoon stood by and watched the two story frame dwelling of Dietrich Hugo go up in flames. All the hydrants in that vicinity were frozen. Yale Glee Club Lost \$2,400 Out West.

NEW HAVEN, Jan. 13.-It was announced this evening that the Christmas trip of the Yale Clee Glub to the West was made at a loss of \$2,400. The expenses of the trip were \$6,900 and the club took in \$4 500.

The Weather.

The large area of depression which was moving eastward from the Central States on Tuesday was drawn yesterday into a full and well defined storm centre, which covered the Lake regions and spread eastward over the Middle Atlantic States. Snow fell around the Lakes, in New England and in northern New York, and rain from Connecticut south to Virginia. Elsewhere the weather was fair. High winds prevailed on the coast, blowing on shore, with dense fog. In the upper Mississippi Valley and the Lake regions the vinds were generally high northwest. The temperature was 10 to 30 degrees higher

ver the lower lakes and in the Atlantic States. In the upper Mississippi States it was growing much colder, and it should be colder here to-day In this city snow fell in the early morning, but soon turned into a copious rain; much warmer; wind, fresh to brisk easterly; average humidity,

93 per cent.; barometer, corrected to read to sea level, at 8 A. M., 29:98, 3 P. M. 29:59. The temperature yesterday as recorded by the official thermometer is shown in the annexed table: 1903. 18° 15° 14°

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW-For eastern New York, fair on the coast, snow in the interior and colder to-day; fair to-morrow; brisk o high west winds on the coast.

For the District of Columbia, New Jersey, Del-

aware, Maryland and Virginia, fair and colder to-day; fair to-morrow; fresh west winds. For western New York snow and colder to-day and to morrow; fresh northwest winds. For New England, snow and colder to day; fair o-morrow; brisk to high northwest winds dimin-

For eastern Pennsylvania, fair and coider today, except snow in mountain districts; fair to-morrow; fresh west winds. J. J. HILL FOR NEW MARKETS.

WE'LL NEED THEM IF CHAMBER-LAIN'S POLICY GOEST HROUGH.

Oriental Trade That Has Been Built Up Has Increased Price of Wheat-He Protests Against Enforced Publication of Transportation Rates as Harmful.

MINNEAPOLIS, Minn., Jan. 13.-James J. Hill, president of the Great Northern Railway, in a speech before the State Agricultural convention to-day vigorously defended the merger of Western transcontinental roads, and denounced the measure now before the Interstate commission to require the publication ten days in advance, of transportation rates to Driental ports.

This, he said, will simply post foreign transportation companies as to our rates and give them time and opportunity to underbid.

He predicted that Joseph Chamberlain's policy for a differential tariff for England with her colonies will go into effect sooner than expected. Chamberlain, he said, has made more progress in one year than he had expected to in three.

Wheat from Manitoba will be admitted

12 cents a bushel less than our wheat, and in ten years Manitoba can raise all the wheat Great Britain will want and create a surplus of from twenty to thirty million bushels of wheat annually unless new markets in the Orient are provided. The shipment of wheat and flour to the Drient has only practically begun, but

better progress has been made than could be expected. During last April and May the Minneapolis mills in a small way began shipping flour to Australia, Japan and China. By taking advantage of all conditions, and carrying full loads both ways, it was possible to make a rate of 40 cents a hundred for 8,000 miles, equivalent to one mill a mile per ton. Mr. Hill said:

"I have been charged with being every-thing from an Oriental dreamer to a crank. I am always ready to try to find a new market far always ready to try to find a new market for wheat we produce in the Northwest. Everything that goes into a new market helps what is left. It is as much a benefit to the farmer in Ohio that the Washington farmer sends wheat to the Orient. Our efforts have been crowned with remark-

able success."

Mr. Hill then gave export figures from
Puget Sound to the Orient for the fiscal

ruget sound to the Orient for the iscal year ending June 1.

"That business has only begun," he said, "but its effect upon the price of wheat in this market is startling. Authorities say that it has increased the price from 5 to 7 cents a bushel "But when we commence to make the lowest rate in the country we are fought by both the State and national govern ments and accused of restraining trade. Who else has raised a hand to carry this

trade forward and make it possible to ship flour from here to the Orient 30 cents cheaper than it can be delivered in New We are charged with being criminals."

KEEPS DR. LEDERLE. New Health Commissioner Appoints His

Predecessor a Sanitary Adviser. Health Commissioner Darlington announced vesterday that upon his motion the Board of Health has unanimously voted to appoint Mayor Low's ex-Commissioner, Ernst J. Lederle, Ph. D., as consulting sanitarian to the Department. Dr. Lederle will sit as a member of the

advisory board in that capacity. The new honorary place given to Dr Lederle will be held by him jointly with Prof. Charles F. Chandler of Columbia University, who also long served as Health Commissioner. In announcing the ap-pointment, Commissioner Darlington said: "I have moved the appointment of Dr. Lederle as consulting sanitarian because I appreciate the value to be derived by the city through this Department from having his expert advice on matters of general sanitation. I understand from Dr. Lederle that he proposes to give his neering, and that he is to establish labora tories where chemical and bacteriologica work will be undertaken in connection with his sanitary work, and for independent work in such specialties as the examination

work in such specialties as the examination of milk, water and food products."

Dr. Lederle is going abroad next week to make some investigations for private corporations in this city. Dr. Darlington has asked him to keep in mind while on the Continent the work of this board of health, and to give it the benefit of any suggestions.

and to give it the benefit of any suggestions he may have to offer on his return. "I think," said the new Commissioner "I think," said the new Commissioner vesterday, "that the city is to be congratulated upon securing his services for the board of health in an advisory capacity, and I trust always to have his cordial support in the work of this Department, as he will have ours in his tvarious private activities."

CHICAGO CHURCH CLOSED. The South Congregational Shut Because

of Inadequate Exits. CHICAGO, Jan. 13.-The first fruits of the inspection of churches by Building Commissioner Williams's men came to-day when the South Congregational Church was ordered closed. The church is said to have insufficient exits and also exits which open inward. It is one of the leading Congregational places of worship in the

LAX THEATRE INSPECTION. Mayor Harrison Testifies as to the Neglect

of Chicago Authorities. CHICAGO, Jan. 13.-Mayor Harrison was called to the stand this afternoon at the Iroquois Theatre fire inquest. The Mayor was asked by Deputy Coroner Buckley oncerning the report made in November on the theatres. Mr. Harrison said that previous to the time this report was made he had been informed by Building Com-missioner Williams that not a theatre in Chicago was complying with the city ordi-nances. The Mayor had asked for a denances. The Mayor had asked for a de-tailed report. This report he submitted to the Council on Nov. 2. It was in committee there when the Iroquois disaster

Commissioner Williams testified yes-terday that he had allowed the Iroquois to open simply on the verbal "O. K." of one of his inspectors. It was brought out that the eighteen inspectors reported to no one in particular, and that they were not instructed as to their duties.

Twelfth Ward Bank Changes. Announcement was made yesterday that

at the annual meeting of the Twelfth Ward Bank on Tuesday, Richard Webber, the Harlem meat merchant, and former Post-master Charles W. Dayton were not reelected directors. They are regarded as business friends of Isaac A. Hopper, who was succeeded as president of the bank two years ago by Thomas F. Gilroy, and their absence from the board of directors puts Mr. Gilroy and his associates in com-

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ATTORNEY SHORES'S DEFENCE.

Testimony That Mrs. Brackett Is Now Known in New York as Mrs. Hooper. BUTTE, Mon., Jan. 13.-The defence in the disbarment trial of Attorney A. J. Shores of the Amalgamated Copper Company was concluded to-day, and the State will present

its rebuttal to-morrow. The only important testimony offered to-day was a deposition of Stanley Gifford of New York to the effect that Mrs. Ada H. Brackett, the woman in the Minnie Healy mine case who is alleged to have corruptly influenced Judge E. W. Harney, was in the employ of the Heinze company in Butte as a typewriter at one time, and that she is now known in New York as Mrs. Hooper, having been married since her caree

Gifford said also that Mrs. Hooper called several times at the office of the company in New York. Gifford's testimony contradicts that of A. P. Heinze and other Montana Ors. Pursphaging Company of the Montana Ore Purchasing Company of-

ENGINE DRIVER INJURED.

Thrown From His Seat While Avoiding a Collision on His Way to a Fire. Dennis Short, a fireman of Engine Company 121, in South Second street, Williamsburg, was severely injured vesterday while driving his three horse team to a fire at 279 South Fifth street. Short was not strapped to his seat. While the team was going along Driggs avenue, a trolley car, with a wagon on each side of it, approached. To avoid a collision, Short turned the team toward the sidewalk. One of the horses fell and the engine was almost upset.

Short was thrown from his seat. He struck the pavement heavily on his right side and received a compound fracture of the right leg and internal injuries. He was removed to the Eastern District Hospital pital, where it was said last evening that he might not recover.

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